



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2671

Introduced 1/21/2014, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

415 ILCS 5/55	from Ch. 111 1/2, par. 1055
415 ILCS 5/55.1	from Ch. 111 1/2, par. 1055.1
415 ILCS 5/55.2	from Ch. 111 1/2, par. 1055.2
415 ILCS 5/55.3	from Ch. 111 1/2, par. 1055.3
415 ILCS 5/55.6	from Ch. 111 1/2, par. 1055.6

Amends the Environmental Protection Act. Provides that, on or before January 1, 2015, the owner or operator of each tire storage site that contains used tires totaling more than 10,000 passenger tire equivalents, or at which more than 500 tons of used tires are processed in a calendar year, shall submit documentation demonstrating its compliance with the Pollution Control Board rules adopted under the Act. Provides that, beginning July 1, 2016, no person shall cause or allow the operation of a tire storage site that contains used tires totaling more than 10,000 passenger tire equivalents, or at which more than 500 tons of used tires are processed in a calendar year, without a permit granted by the Illinois Environmental Protection Agency or in violation of any conditions imposed by that permit. Provides specified exemptions to the permit requirement. Requires the Agency to propose and the Board to adopt, revisions to the rules adopted under the Act that are necessary to conform those rules to the requirements of this amendatory Act of the 98th General Assembly. Provides that the State's Attorney or Attorney General, upon request of the Agency or upon his or her own motion, may institute a civil action for an immediate injunction to halt storage or processing of used tires at a site if a person who is required to comply with the financial assurance rules established by the Board fails to comply with those rules with respect to that tire storage site. Provides that specified monies in the Used Tire Management Fund shall be used to provide financial assistance to units of local government and private industry for specified purposes. Effective immediately.

LRB098 15831 MGM 50873 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Sections 55, 55.1, 55.2, 55.3, and 55.6 as follows:

6 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

7 Sec. 55. Prohibited activities.

8 (a) No person shall:

9 (1) Cause or allow the open dumping of any used or
10 waste tire.

11 (2) Cause or allow the open burning of any used or
12 waste tire.

13 (3) Except at a tire storage site which contains more
14 than 50 used tires, cause or allow the storage of any used
15 tire unless the tire is altered, reprocessed, converted,
16 covered, or otherwise prevented from accumulating water.

17 (4) Cause or allow the operation of a tire storage site
18 except in compliance with Board regulations.

19 (5) Abandon, dump or dispose of any used or waste tire
20 on private or public property, except in a sanitary
21 landfill approved by the Agency pursuant to regulations
22 adopted by the Board.

23 (6) Fail to submit required reports, tire removal

1 agreements, or Board regulations.

2 (b) (Blank.)

3 (b-1) Beginning January 1, 1995, no person shall knowingly
4 mix any used or waste tire, either whole or cut, with municipal
5 waste, and no owner or operator of a sanitary landfill shall
6 accept any used or waste tire for final disposal; except that
7 used or waste tires, when separated from other waste, may be
8 accepted if: (1) the sanitary landfill provides and maintains a
9 means for shredding, slitting, or chopping whole tires and so
10 treats whole tires and, if approved by the Agency in a permit
11 issued under this Act, uses the used or waste tires for
12 alternative uses, which may include on-site practices such as
13 lining of roadways with tire scraps, alternative daily cover,
14 or use in a leachate collection system or (2) the sanitary
15 landfill, by its notification to the Illinois Industrial
16 Materials Exchange Service, makes available the used or waste
17 tire to an appropriate facility for reuse, reprocessing, or
18 converting, including use as an alternate energy fuel. If,
19 within 30 days after notification to the Illinois Industrial
20 Materials Exchange Service of the availability of waste tires,
21 no specific request for the used or waste tires is received by
22 the sanitary landfill, and the sanitary landfill determines it
23 has no alternative use for those used or waste tires, the
24 sanitary landfill may dispose of slit, chopped, or shredded
25 used or waste tires in the sanitary landfill. In the event the
26 physical condition of a used or waste tire makes shredding,

1 slitting, chopping, reuse, reprocessing, or other alternative
2 use of the used or waste tire impractical or infeasible, then
3 the sanitary landfill, after authorization by the Agency, may
4 accept the used or waste tire for disposal.

5 Sanitary landfills and facilities for reuse, reprocessing,
6 or converting, including use as alternative fuel, shall (i)
7 notify the Illinois Industrial Materials Exchange Service of
8 the availability of and demand for used or waste tires and (ii)
9 consult with the Department of Commerce and Economic
10 Opportunity regarding the status of marketing of waste tires to
11 facilities for reuse.

12 (c) Any person who sells new or used tires at retail or
13 operates a tire storage site or a tire disposal site which
14 contains more than 50 used or waste tires shall give notice of
15 such activity to the Agency. Any person engaging in such
16 activity for the first time after January 1, 1990, shall give
17 notice to the Agency within 30 days after the date of
18 commencement of the activity. The form of such notice shall be
19 specified by the Agency and shall be limited to information
20 regarding the following:

- 21 (1) the name and address of the owner and operator;
- 22 (2) the name, address and location of the operation;
- 23 (3) the type of operations involving used and waste
24 tires (storage, disposal, conversion or processing); and
- 25 (4) the number of used and waste tires present at the
26 location.

1 (d) Beginning January 1, 1992, no person shall cause or
2 allow the operation of:

3 (1) a tire storage site which contains more than 50
4 used tires, unless the owner or operator, by January 1,
5 1992 (or the January 1 following commencement of operation,
6 whichever is later) and January 1 of each year thereafter,
7 (i) registers the site with the Agency, except that the
8 registration requirement in this item (i) does not apply in
9 the case of a tire storage site required to be permitted
10 under subsection (d-5), (ii) certifies to the Agency that
11 the site complies with any applicable standards adopted by
12 the Board pursuant to Section 55.2, (iii) reports to the
13 Agency the number of tires accumulated, the status of
14 vector controls, and the actions taken to handle and
15 process the tires, and (iv) pays the fee required under
16 subsection (b) of Section 55.6; or

17 (2) a tire disposal site, unless the owner or operator
18 (i) has received approval from the Agency after filing a
19 tire removal agreement pursuant to Section 55.4, or (ii)
20 has entered into a written agreement to participate in a
21 consensual removal action under Section 55.3.

22 The Agency shall provide written forms for the annual
23 registration and certification required under this subsection
24 (d).

25 (d-4) On or before January 1, 2015, the owner or operator
26 of each tire storage site that contains used tires totaling

1 more than 10,000 passenger tire equivalents, or at which more
2 than 500 tons of used tires are processed in a calendar year,
3 shall submit documentation demonstrating its compliance with
4 Board rules adopted under this Title. This documentation must
5 be submitted on forms and in a format prescribed by the Agency.

6 (d-5) Beginning July 1, 2016, no person shall cause or
7 allow the operation of a tire storage site that contains used
8 tires totaling more than 10,000 passenger tire equivalents, or
9 at which more than 500 tons of used tires are processed in a
10 calendar year, without a permit granted by the Agency or in
11 violation of any conditions imposed by that permit, including
12 periodic reports and full access to adequate records and the
13 inspection of facilities, as may be necessary to ensure
14 compliance with this Act and with regulations and standards
15 adopted under this Act.

16 (e) No person shall cause or allow the storage, disposal,
17 treatment or processing of any used or waste tire in violation
18 of any regulation or standard adopted by the Board.

19 (f) No person shall arrange for the transportation of used
20 or waste tires away from the site of generation with a person
21 known to openly dump such tires.

22 (g) No person shall engage in any operation as a used or
23 waste tire transporter except in compliance with Board
24 regulations.

25 (h) No person shall cause or allow the combustion of any
26 used or waste tire in an enclosed device unless a permit has

1 been issued by the Agency authorizing such combustion pursuant
2 to regulations adopted by the Board for the control of air
3 pollution and consistent with the provisions of Section 9.4 of
4 this Act.

5 (i) No person shall cause or allow the use of pesticides to
6 treat tires except as prescribed by Board regulations.

7 (j) No person shall fail to comply with the terms of a tire
8 removal agreement approved by the Agency pursuant to Section
9 55.4.

10 (k) No person shall:

11 (1) Cause or allow water to accumulate in used or waste
12 tires. The prohibition set forth in this paragraph (1) of
13 subsection (k) shall not apply to used or waste tires
14 located at a residential household, as long as not more
15 than 12 used or waste tires are located at the site.

16 (2) Fail to collect a fee required under Section 55.8
17 of this Title.

18 (3) Fail to file a return required under Section 55.10
19 of this Title.

20 (4) Transport used or waste tires in violation of the
21 registration and vehicle placarding requirements adopted
22 by the Board.

23 (Source: P.A. 96-737, eff. 8-25-09.)

24 (415 ILCS 5/55.1) (from Ch. 111 1/2, par. 1055.1)
25 Sec. 55.1.

1 (a) The prohibitions set forth in subdivision (a)(3) of
2 Section 55 of this Act shall not apply to used tires:

3 (1) generated and located at a site as a result of the
4 growing and harvesting of agricultural crops or the raising
5 of animals, as long as not more than 20 used tires are
6 located at the site;

7 (2) located at a residential household, as long as not
8 more than 12 used tires are located at the site; or

9 (3) which were placed in service for recreational
10 purposes prior to January 1, 1990 at a school, park or
11 playground, provided that the used tires are altered by
12 January 1, 1992.

13 (b) The prohibitions set forth in subdivisions (a)(3),
14 (a)(4), (c), (d), (d-5), (e), (g), and (k)(4) of Section 55 of
15 this Act shall not apply to used or waste tires collected by a
16 not-for-profit corporation if:

17 (1) the collection location has been approved by the
18 applicable general purpose unit of local government;

19 (2) the collected tires are transported to a facility
20 permitted by the Agency to store, process or dispose of
21 used or waste tires within 7 days after collection; and

22 (3) the collection does not occur as a continuous
23 business operation.

24
25 (c) The prohibitions set forth in subdivisions (a)(3),
26 (a)(4), (c), (d), (d-5), (e), (g), and (k)(4) of Section 55 of

1 this Act shall not apply to used or waste tires collected by
2 the State or a unit of local government, provided that:

3 (1) the collection is part of an established program to
4 take preventive or corrective action regarding such tires;

5 (2) any staging sites for handling such tires are
6 reasonably secure and regularly maintained in a safe
7 manner; and

8 (3) the Agency is notified in writing during January of
9 each calendar year regarding the location of the staging
10 sites, the number of such tires accumulated, the status of
11 vector controls, and actions taken to process such tires.

12 The Agency shall provide written confirmation to a State
13 agency or unit of local government regarding the applicability
14 of this subsection upon receipt of a written description of its
15 established program, and each January following receipt of the
16 annual report required under subdivision (c)(3) of this
17 subsection.

18 For purposes of determining the applicability of this
19 subsection, any municipality with a population over 1,000,000
20 may certify to the Agency by January 1, 1990 that it operates
21 an established program. Upon the filing of such a
22 certification, the established program shall be deemed to
23 satisfy the provisions of subdivisions (1) and (2) of this
24 subsection.

25 (d) The prohibitions set forth in subdivision (a)(5) of
26 Section 55 of this Act shall not apply to used tires that are

1 generated and located at a permitted coal mining site after use
2 on specialized coal hauling and extraction vehicles.

3 (Source: P.A. 96-737, eff. 8-25-09.)

4 (415 ILCS 5/55.2) (from Ch. 111 1/2, par. 1055.2)

5 Sec. 55.2. (a) Not later than July 1, 1990, the Agency
6 shall propose regulations which prescribe standards for the
7 storage, disposal, processing and transportation of used and
8 waste tires.

9 (b) Not later than one year after the receipt of the
10 Agency's proposed regulations, the Board shall adopt, pursuant
11 to Sections 27 and 28 of this Act, regulations which are
12 consistent with the provisions of this Title. These regulations
13 shall, at a minimum, specify: recordkeeping and reporting
14 requirements; criteria for minimizing the danger of tire fires,
15 including dimensions for piling tires and minimum aisle
16 spacing; financial assurance criteria; and criteria for
17 distinguishing storage from disposal. In addition, such
18 regulations shall prohibit the use of pesticides as an ongoing
19 means of demonstrating compliance with this Title.

20 (b-5) Not later than 6 months after the effective date of
21 this amendatory Act of the 98th General Assembly, the Agency
22 shall propose, and, not later than 9 months after receipt of
23 the Agency's proposal, the Board shall adopt, revisions to the
24 rules adopted under this Title that are necessary to conform
25 those rules to the requirements of this Title, including, but

1 not limited to, revisions to those rules that are necessary to
2 implement the changes made to this Act by this amendatory Act
3 of the 98th General Assembly.

4 (c) In adopting regulations under this Section, the Board
5 may impose different requirements for different categories of
6 used or waste tire storage, disposal, transport, and
7 processing.

8 (d) Nothing in this Section shall be construed as limiting
9 the general authority of the Board to promulgate regulations
10 pursuant to Title VII of this Act.

11 (Source: P.A. 86-452.)

12 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

13 Sec. 55.3. (a) Upon finding that an accumulation of used or
14 waste tires creates an immediate danger to health, the Agency
15 may take action pursuant to Section 34 of this Act.

16 (b) Upon making a finding that an accumulation of used or
17 waste tires creates a hazard posing a threat to public health
18 or the environment, the Agency may undertake preventive or
19 corrective action in accordance with this subsection. Such
20 preventive or corrective action may consist of any or all of
21 the following:

22 (1) Treating and handling used or waste tires and other
23 infested materials within the area for control of
24 mosquitoes and other disease vectors.

25 (2) Relocation of ignition sources and any used or

1 waste tires within the area for control and prevention of
2 tire fires.

3 (3) Removal of used and waste tire accumulations from
4 the area.

5 (4) Removal of soil and water contamination related to
6 tire accumulations.

7 (5) Installation of devices to monitor and control
8 groundwater and surface water contamination related to
9 tire accumulations.

10 (6) Such other actions as may be authorized by Board
11 regulations.

12 (c) The Agency may, subject to the availability of
13 appropriated funds, undertake a consensual removal action for
14 the removal of up to 1,000 used or waste tires at no cost to the
15 owner according to the following requirements:

16 (1) Actions under this subsection shall be taken
17 pursuant to a written agreement between the Agency and the
18 owner of the tire accumulation.

19 (2) The written agreement shall at a minimum specify:

20 (i) that the owner relinquishes any claim of an
21 ownership interest in any tires that are removed, or in
22 any proceeds from their sale;

23 (ii) that tires will no longer be allowed to be
24 accumulated at the site;

25 (iii) that the owner will hold harmless the Agency
26 or any employee or contractor utilized by the Agency to

1 effect the removal, for any damage to property incurred
2 during the course of action under this subsection,
3 except for gross negligence or intentional misconduct;
4 and

5 (iv) any conditions upon or assistance required
6 from the owner to assure that the tires are so located
7 or arranged as to facilitate their removal.

8 (3) The Agency may by rule establish conditions and
9 priorities for removal of used and waste tires under this
10 subsection.

11 (4) The Agency shall prescribe the form of written
12 agreements under this subsection.

13 (c-5) If a person who is required to comply with the
14 financial assurance rules established by the Board under
15 subsection (b) of Section 55.2 of this Act fails to comply with
16 those rules with respect to a tire storage site, then the
17 State's Attorney or Attorney General, upon request of the
18 Agency or upon his or her own motion, may institute a civil
19 action for an immediate injunction to halt storage or
20 processing of used tires at that site. The court may issue an
21 ex parte order and shall schedule a hearing on the matter not
22 later than 3 working days from the date of injunction.

23 (d) The Agency shall have authority to provide notice to
24 the owner or operator, or both, of a site where used or waste
25 tires are located and to the owner or operator, or both, of the
26 accumulation of tires at the site, whenever the Agency finds

1 that the used or waste tires pose a threat to public health or
2 the environment, or that there is no owner or operator
3 proceeding in accordance with a tire removal agreement approved
4 under Section 55.4.

5 The notice provided by the Agency shall include the
6 identified preventive or corrective action, and shall provide
7 an opportunity for the owner or operator, or both, to perform
8 such action.

9 For sites with more than 250,000 passenger tire
10 equivalents, following the notice provided for by this
11 subsection (d), the Agency may enter into a written
12 reimbursement agreement with the owner or operator of the site.
13 The agreement shall provide a schedule for the owner or
14 operator to reimburse the Agency for costs incurred for
15 preventive or corrective action, which shall not exceed 5 years
16 in length. An owner or operator making payments under a written
17 reimbursement agreement pursuant to this subsection (d) shall
18 not be liable for punitive damages under subsection (h) of this
19 Section.

20 (e) In accordance with constitutional limitations, the
21 Agency shall have authority to enter at all reasonable times
22 upon any private or public property for the purpose of taking
23 whatever preventive or corrective action is necessary and
24 appropriate in accordance with the provisions of this Section,
25 including but not limited to removal, processing or treatment
26 of used or waste tires, whenever the Agency finds that used or

1 waste tires pose a threat to public health or the environment.

2 (f) In undertaking preventive, corrective or consensual
3 removal action under this Section the Agency may consider use
4 of the following: rubber reuse alternatives, shredding or other
5 conversion through use of mobile or fixed facilities, energy
6 recovery through burning or incineration, and landfill
7 disposal. To the extent practicable, the Agency shall consult
8 with the Department of Commerce and Economic Opportunity
9 regarding the availability of alternatives to landfilling used
10 and waste tires, and shall make every reasonable effort to
11 coordinate tire cleanup projects with applicable programs that
12 relate to such alternative practices.

13 (g) Except as otherwise provided in this Section, the owner
14 or operator of any site or accumulation of used or waste tires
15 at which the Agency has undertaken corrective or preventive
16 action under this Section shall be liable for all costs thereof
17 incurred by the State of Illinois, including reasonable costs
18 of collection. Any monies received by the Agency hereunder
19 shall be deposited into the Used Tire Management Fund. The
20 Agency may in its discretion store, dispose of or convey the
21 tires that are removed from an area at which it has undertaken
22 a corrective, preventive or consensual removal action, and may
23 sell or store such tires and other items, including but not
24 limited to rims, that are removed from the area. The net
25 proceeds of any sale shall be credited against the liability
26 incurred by the owner or operator for the costs of any

1 preventive or corrective action.

2 (h) Any person liable to the Agency for costs incurred
3 under subsection (g) of this Section may be liable to the State
4 of Illinois for punitive damages in an amount at least equal
5 to, and not more than 2 times, the costs incurred by the State
6 if such person failed without sufficient cause to take
7 preventive or corrective action pursuant to notice issued under
8 subsection (d) of this Section.

9 (i) There shall be no liability under subsection (g) of
10 this Section for a person otherwise liable who can establish by
11 a preponderance of the evidence that the hazard created by the
12 tires was caused solely by:

13 (1) an act of God;

14 (2) an act of war; or

15 (3) an act or omission of a third party other than an
16 employee or agent, and other than a person whose act or
17 omission occurs in connection with a contractual
18 relationship with the person otherwise liable.

19 For the purposes of this subsection, "contractual
20 relationship" includes, but is not limited to, land contracts,
21 deeds and other instruments transferring title or possession,
22 unless the real property upon which the accumulation is located
23 was acquired by the defendant after the disposal or placement
24 of used or waste tires on, in or at the property and one or more
25 of the following circumstances is also established by a
26 preponderance of the evidence:

1 (A) at the time the defendant acquired the
2 property, the defendant did not know and had no reason
3 to know that any used or waste tires had been disposed
4 of or placed on, in or at the property, and the
5 defendant undertook, at the time of acquisition, all
6 appropriate inquiries into the previous ownership and
7 uses of the property consistent with good commercial or
8 customary practice in an effort to minimize liability;

9 (B) the defendant is a government entity which
10 acquired the property by escheat or through any other
11 involuntary transfer or acquisition, or through the
12 exercise of eminent domain authority by purchase or
13 condemnation; or

14 (C) the defendant acquired the property by
15 inheritance or bequest.

16 (j) Nothing in this Section shall affect or modify the
17 obligations or liability of any person under any other
18 provision of this Act, federal law, or State law, including the
19 common law, for injuries, damages or losses resulting from the
20 circumstances leading to Agency action under this Section.

21 (k) The costs and damages provided for in this Section may
22 be imposed by the Board in an action brought before the Board
23 in accordance with Title VIII of this Act, except that
24 subsection (c) of Section 33 of this Act shall not apply to any
25 such action.

26 (l) The Agency shall, when feasible, consult with the

1 Department of Public Health prior to taking any action to
2 remove or treat an infested tire accumulation for control of
3 mosquitoes or other disease vectors. The Agency may by contract
4 or agreement secure the services of the Department of Public
5 Health, any local public health department, or any other
6 qualified person in treating any such infestation as part of an
7 emergency or preventive action.

8 (m) Neither the State, the Agency, the Board, the Director,
9 nor any State employee shall be liable for any damage or injury
10 arising out of or resulting from any action taken under this
11 Section.

12 (Source: P.A. 94-793, eff. 5-19-06.)

13 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

14 Sec. 55.6. Used Tire Management Fund.

15 (a) There is hereby created in the State Treasury a special
16 fund to be known as the Used Tire Management Fund. There shall
17 be deposited into the Fund all monies received as (1) recovered
18 costs or proceeds from the sale of used tires under Section
19 55.3 of this Act, (2) repayment of loans from the Used Tire
20 Management Fund, or (3) penalties or punitive damages for
21 violations of this Title, except as provided by subdivision
22 (b) (4) or (b) (4-5) of Section 42.

23 (b) Beginning January 1, 1992, in addition to any other
24 fees required by law, the owner or operator of each site
25 required to be registered or permitted under subsection (d) or

1 (d-5) of Section 55 shall pay to the Agency an annual fee of
2 \$100. Fees collected under this subsection shall be deposited
3 into the Environmental Protection Permit and Inspection Fund.

4 (c) Pursuant to appropriation, monies up to an amount of \$2
5 million per fiscal year from the Used Tire Management Fund
6 shall be allocated as follows:

7 (1) 38% shall be available to the Agency for the
8 following purposes, provided that priority shall be given
9 to item (i):

10 (i) To undertake preventive, corrective or removal
11 action as authorized by and in accordance with Section
12 55.3, and to recover costs in accordance with Section
13 55.3.

14 (ii) For the performance of inspection and
15 enforcement activities for used and waste tire sites.

16 (iii) To assist with marketing of used tires by
17 augmenting the operations of an industrial materials
18 exchange service.

19 (iv) To provide financial assistance to units of
20 local government for the performance of inspecting,
21 investigating and enforcement activities pursuant to
22 subsection (r) of Section 4 at used and waste tire
23 sites.

24 (v) To provide financial assistance for used and
25 waste tire collection projects sponsored by local
26 government or not-for-profit corporations.

1 (vi) For the costs of fee collection and
2 administration relating to used and waste tires, and to
3 accomplish such other purposes as are authorized by
4 this Act and regulations thereunder.

5 (vii) To provide financial assistance to units of
6 local government and private industry for the purposes
7 of:

8 (A) assisting in the establishment of
9 facilities and programs to collect, process, and
10 utilize used and waste tires and tire-derived
11 materials;

12 (B) demonstrating the feasibility of
13 innovative technologies as a means of collecting,
14 storing, processing, and utilizing used and waste
15 tires and tire-derived materials; and

16 (C) applying demonstrated technologies as a
17 means of collecting, storing, processing, and
18 utilizing used and waste tires and tire-derived
19 materials.

20 (2) For fiscal years beginning prior to July 1, 2004,
21 23% shall be available to the Department of Commerce and
22 Economic Opportunity for the following purposes, provided
23 that priority shall be given to item (A):

24 (A) To provide grants or loans for the purposes of:

25 (i) assisting units of local government and
26 private industry in the establishment of

1 facilities and programs to collect, process and
2 utilize used and waste tires and tire derived
3 materials;

4 (ii) demonstrating the feasibility of
5 innovative technologies as a means of collecting,
6 storing, processing and utilizing used and waste
7 tires and tire derived materials; and

8 (iii) applying demonstrated technologies as a
9 means of collecting, storing, processing, and
10 utilizing used and waste tires and tire derived
11 materials.

12 (B) To develop educational material for use by
13 officials and the public to better understand and
14 respond to the problems posed by used tires and
15 associated insects.

16 (C) (Blank).

17 (D) To perform such research as the Director deems
18 appropriate to help meet the purposes of this Act.

19 (E) To pay the costs of administration of its
20 activities authorized under this Act.

21 (2.1) For the fiscal year beginning July 1, 2004 and
22 for all fiscal years thereafter, 23% shall be deposited
23 into the General Revenue Fund.

24 (3) 25% shall be available to the Illinois Department
25 of Public Health for the following purposes:

26 (A) To investigate threats or potential threats to

1 the public health related to mosquitoes and other
2 vectors of disease associated with the improper
3 storage, handling and disposal of tires, improper
4 waste disposal, or natural conditions.

5 (B) To conduct surveillance and monitoring
6 activities for mosquitoes and other arthropod vectors
7 of disease, and surveillance of animals which provide a
8 reservoir for disease-producing organisms.

9 (C) To conduct training activities to promote
10 vector control programs and integrated pest management
11 as defined in the Vector Control Act.

12 (D) To respond to inquiries, investigate
13 complaints, conduct evaluations and provide technical
14 consultation to help reduce or eliminate public health
15 hazards and nuisance conditions associated with
16 mosquitoes and other vectors.

17 (E) To provide financial assistance to units of
18 local government for training, investigation and
19 response to public nuisances associated with
20 mosquitoes and other vectors of disease.

21 (4) 2% shall be available to the Department of
22 Agriculture for its activities under the Illinois
23 Pesticide Act relating to used and waste tires.

24 (5) 2% shall be available to the Pollution Control
25 Board for administration of its activities relating to used
26 and waste tires.

1 (6) 10% shall be available to the Department of Natural
2 Resources for the Illinois Natural History Survey to
3 perform research to study the biology, distribution,
4 population ecology, and biosystematics of tire-breeding
5 arthropods, especially mosquitoes, and the diseases they
6 spread.

7 (d) By January 1, 1998, and biennially thereafter, each
8 State agency receiving an appropriation from the Used Tire
9 Management Fund shall report to the Governor and the General
10 Assembly on its activities relating to the Fund.

11 (e) Any monies appropriated from the Used Tire Management
12 Fund, but not obligated, shall revert to the Fund.

13 (f) In administering the provisions of subdivisions (1),
14 (2) and (3) of subsection (c) of this Section, the Agency, the
15 Department of Commerce and Economic Opportunity, and the
16 Illinois Department of Public Health shall ensure that
17 appropriate funding assistance is provided to any municipality
18 with a population over 1,000,000 or to any sanitary district
19 which serves a population over 1,000,000.

20 (g) Pursuant to appropriation, monies in excess of \$2
21 million per fiscal year from the Used Tire Management Fund
22 shall be used as follows:

23 (1) 55% shall be available to the Agency for the
24 following purposes, provided that priority shall be given
25 to subparagraph (A):

26 (A) To ~~to~~ undertake preventive, corrective or

1 renewed action as authorized by and in accordance with
2 Section 55.3 and to recover costs in accordance with
3 Section 55.3.

4 (B) To provide financial assistance to units of
5 local government and private industry for the purposes
6 of:

7 (i) assisting in the establishment of
8 facilities and programs to collect, process, and
9 utilize used and waste tires and tire-derived
10 materials;

11 (ii) demonstrating the feasibility of
12 innovative technologies as a means of collecting,
13 storing, processing, and utilizing used and waste
14 tires and tire-derived materials; and

15 (iii) applying demonstrated technologies as a
16 means of collecting, storing, processing, and
17 utilizing used and waste tires and tire-derived
18 materials.

19 (2) For fiscal years beginning prior to July 1, 2004,
20 45% shall be available to the Department of Commerce and
21 Economic Opportunity to provide grants or loans for the
22 purposes of:

23 (i) assisting units of local government and
24 private industry in the establishment of facilities
25 and programs to collect, process and utilize waste
26 tires and tire derived material;

1 (ii) demonstrating the feasibility of innovative
2 technologies as a means of collecting, storing,
3 processing, and utilizing used and waste tires and tire
4 derived materials; and

5 (iii) applying demonstrated technologies as a
6 means of collecting, storing, processing, and
7 utilizing used and waste tires and tire derived
8 materials.

9 (3) For the fiscal year beginning July 1, 2004 and for
10 all fiscal years thereafter, 45% shall be deposited into
11 the General Revenue Fund.

12 (Source: P.A. 92-16, eff. 6-28-01; 93-839, eff. 7-30-04.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.